IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10388 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HARIJAN BHALABHAI UGABHAI

Versus

COLLECTOR

Appearance:

MR MRUGEN K PUROHIT for Petitioner

Mr. IM Pandya AGP for the Respondents.

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 03/10/2000

ORAL JUDGEMENT

Heard. Rule. Service of rule is waived by Mr. I.M. Pandya, learned AGP appearing for the respondents. On the facts and in the circumstances of the case and also with the consent of the learned advocates for the respective parties, the matter is taken up for final

disposal today itself.

The petitioner herein belongs to the backward community (Harijan Community) and is residing at village Paliyad since last more than four decades. According to him, he is having large family to maintain from the agricultural income received from the land in question. According to the petitioner, he is the owner of the land bearing s.n.745 situated at village Kamalpura and he is cultivating the said land since last ten years. He has made various representations and lastly, has made representation on 19th January, 2000 but of no avail. The main grievance of the petitioner is that the said representations have not been decided by the respondent authorities inspite of various requests made by the petitioner. Learned advocate Mr.Purohit appearing for the petitioner has submitted that the respondent authorities are required to be directed to dispose of and decide the said representations of the petitioner in accordance with law, in the interest of justice. He has also submitted that the petitioner may make fresh representation in the same subject matter and the respondents may be directed to consider the same in accordance with law. As per my view, if such directions are issued, this would serve the purpose of the petitioner and also would met the ends of justice.

Therefore, in the facts and circumstances of the case, the petitioner is directed to make fresh representation to the first respondent Collector for allotment of the land at reasonable rate within ten days from the date of receipt of certified copy of this order and the respondent Collector is directed to consider and decide the same in accordance with law within three months from the date of receipt of such representation. Subject to these directions, this petition is disposed of. Rule is discharged. There shall be no order as to costs.

3.10.2000 (H.K.Rathod,J.)

Vyas